

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of:)
)
 Claude Q.C. Hayes)
)
 Patent No: 6,264,854)
)
 Issue Date: July 24, 2001)

For: **HEAT ABSORBING TEMPERATURE CONTROL DEVICES AND METHOD**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**DECLARATION OF BASAM E. NABULSI IN SUPPORT OF PETITION UNDER
37 C.F.R. 1.378(b) TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF
MAINTENANCE FEE AND TO REINSTATE PATENT**

I, Basam E. Nabulsi, do hereby declare as follows:

1. I am a partner with the law firm McCarter & English, LLP ("M&E") and have been a partner with M&E since October 1, 2003. Prior to joining M&E, I was a partner with the law firm Cummings & Lockwood LP ("C&L") beginning in April 1998.
2. During my tenure at C&L, we began representing Claude Q.C. Hayes ("Hayes") in connection with intellectual property matters. In connection with our representation of Hayes, we assumed responsibility for a patent portfolio that included eighteen (18) issued patents as of November 2008. In the M&E systems, each of the Hayes patents is associated with the same client number - 97661 - but is assigned its own matter number.
3. U.S. Patent No. 6,264,854 entitled "Heat Absorbing Temperature Control Devices and Method" to Hayes (the "854 Patent") issued on July 24, 2001. The M&E reference number for the '854 Patent is "97661.00013".
4. The window for payment of the second maintenance fee associated with the '854 Patent opened on July 24, 2008 and closed on July 24, 2009.

5. M&E maintains a computerized docket system that is licensed from Computer Packages, Inc. ("CPI"). All entries to M&E's docket system are made by personnel trained in the use of the CPI docket system, including the creation of new docket records, the entry of upcoming deadlines and the removal of completed action items.

6. The individual responsible for maintenance fee payment and docket entries associated with the '854 Patent – Ms. Joan Simmons – is a paralegal at M&E having more than twenty five (25) years of experience in patent practice, including specifically docketing and maintenance fee payments. Ms. Simmons is intimately familiar with the operation and use of M&E's CPI docket system and electronic submissions to the USPTO, including specifically electronic payment of maintenance fees. In addition, Ms. Simmons receives ongoing training in support of her duties from M&E, and has proven to be highly reliable in performing her responsibilities, including specifically docketing and electronic maintenance fee processing.

7. Various entries associated with payment of the second maintenance fee for the '854 Patent were automatically established in M&E's CPI docket system based upon the issue date of the '854 Patent. A copy of a printout from M&E's CPI docket system showing a chronological list of due dates associated with the '854 Patent – associated with the client/matter designation of 97661.00013 -- is appended hereto as Exhibit A. As shown on the noted CPI printout, M&E's CPI docket system included the following entries with respect to the second maintenance fee for the '854 Patent:

- a. "Reminder 2nd MFEE due 1/24" -- Due Date: 24-Nov-2008 (Reminder)
- b. "2nd MAINT FEE DUE" – Due Date: 24-Jan-2009 (Due Date)
- c. "2nd MAINT FEE DUE" – Due Date: 24-Jul-2009 (Final)

8. As also reflected on the CPI printout appended hereto as Exhibit A, the deadlines associated with the second maintenance fee for the '854 Patent were removed from M&E's CPI docket system on November 23, 2008. As explained below, the noted deadlines associated with the second maintenance fee were removed from M&E's CPI docket system in error.

9. M&E maintains several Deposit Accounts with the U.S. Patent and Trademark Office ("USPTO") in connection with its patent-related activities. M&E's Stamford office – in which I practice – utilizes Deposit Account No. 503570 (the "Deposit Account"). A copy of a printout associated with activities in the Deposit Account for the month of November 2008 is appended hereto as Exhibit B.

10. As shown on the appended Deposit Account printout, the maintenance fee for U.S. Patent No. 6,238,591 (the "'591 Patent") was posted to the Deposit Account on November 24, 2008. Of note, November 24, 2008 was a "Monday" and any Deposit Account activity from the weekend, e.g., Sunday, November 23, 2008, would not be posted to the Deposit Account until Monday, November 24th.

11. When USPTO fees are paid electronically using the Deposit Account, the individual authorizing the payment identifies the "attorney docket number" to be associated with the activity. Thus, even though the '591 Patent is a distinct Hayes patent and is associated with client/matter designation 97771.00016, the individual authorizing payment of the noted maintenance fee incorrectly correlated the payment with client/matter designation 97771.00013, i.e., the '854 Patent.

12. Based on the mistaken belief that the second maintenance fee for the '854 Patent had been paid on November 23, 2008, the associated deadlines were removed from M&E's docket system on November 23, 2008. The removal of these deadlines from the CPI docket system on November 23, 2008 is reflected in the printout appended hereto as Exhibit A.

13. Consistent with the mistaken belief that the second maintenance fee for the '854 Patent had been paid on November 23, 2008, a reporting letter was forwarded to Hayes on November 24, 2008 in connection with client/matter designation 97661.00013. A copy of the reporting letter is appended hereto as Exhibit C.

14. The noted reporting letter is physically located in M&E's physical file for the '854 Patent, i.e., the file associated with client/matter designation 97661.00013. However, it is noted that the subject heading for the noted reporting letter references the '591 Patent. Thus, at the time that the reporting letter was dispatched to Hayes, the

incorrect correlation of the '591 Patent with client/matter designation 97661.00013 was not recognized.

15. M&E's physical file for the '854 Patent (client/matter designation 97661.00013) also contains a maintenance fee printout dated November 24, 2008 reflecting payment of the maintenance fee for the '591 Patent. A copy of the maintenance fee printout is appended hereto as Exhibit D.

16. As is apparent from the foregoing materials, the mistaken non-payment of the second maintenance fee for the '854 Patent was based on an incorrect identification of the maintenance fee paid on Sunday, November 23, 2008, which led to removal of the docketed deadlines associated with such payment from M&E's docket system.

17. As noted above, I moved my practice from C&L to M&E in October 2003. To ensure that future USPTO communications were received by me at M&E, steps were taken to update the USPTO records.

18. On December 5, 2005, a Post-Issuance Submission of Corrected Declaration and an executed Declaration, Power of Attorney, and Petition ("Supplemental Declaration"), were filed with the USPTO (together with a Certificate of Mailing and a return postcard). Copies of the Post-Issuance Submission and the Supplemental Declaration are appended hereto as Exhibit E. A copy of the return postcard reflecting receipt of the noted documents at the USPTO on December 7, 2005 is appended hereto as Exhibit F.

19. As set forth in the Supplemental Declaration, the mailing address associated with the '854 Patent was formally changed to:

McCARTER & ENGLISH, LLP
Attn.: Angelica Brooks
CityPlace I
185 Asylum Street
Hartford, CT 06103

20. Notwithstanding the address change set forth in the Supplemental Declaration, the USPTO records were not updated as requested by Hayes.

21. Hayes learned that the '854 Patent had lapsed due to non-payment of the second maintenance fee from a licensee of the '854 Patent on November 15, 2011. Hayes immediately communicated with my office and an investigation as to the facts and circumstances was promptly undertaken.

22. Upon learning of the non-payment issue, we researched the circumstances surrounding the apparent payment of the second maintenance fee in November 2008, the docketing steps taken with respect to the '854 Patent, and the reasons that we received no communications from the USPTO with respect to the delinquent maintenance fee for the '854 Patent. We also engaged in the requisite research concerning the standards and requirements for reinstatement of the '854 Patent.

23. With respect to the non-existence of USPTO communications concerning the delinquent maintenance fee, we determined that the necessary information was not available at the USPTO website. Accordingly, we arranged for physical inspection of the USPTO files for the '854 Patent to determine why we had not received a communication from the USPTO that the '854 Patent had entered the maintenance fee grace period and/or that the '854 Patent had lapsed.

24. A copy of the Maintenance Fee Reminder issued by the USPTO on February 2, 2009 is appended hereto as Exhibit G, and a copy of the Notice of Patent Expiration issued by the USPTO on August 24, 2009 is appended hereto as Exhibit H. Both of these documents were incorrectly mailed to C&L, despite the change of address set forth in the Supplemental Declaration more than three (3) years prior.

25. Based upon a thorough investigation, neither the Maintenance Fee Reminder nor the Notice of Patent Expiration was received by M&E from C&L. As a result, the opportunity to cure the above-noted error within the surcharge period or shortly after the '854 Patent lapsed was unavoidably missed through no fault of Hayes and/or his attorneys.

26. Based on the foregoing facts and circumstances, I believe that reasonable care was taken to ensure that maintenance fees would be paid timely for the subject patent, and that the failure to pay the second maintenance fee was unavoidable.

27. The petition to accept the delayed payment of the maintenance fee in order to reinstate the '854 Patent is being promptly filed after becoming aware of the expiration of the '854 Patent and completing the requisite investigation.

28. The undersigned further declares that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: February 2, 2012


Basam E. Nabulsi

EXHIBIT A

New

Copy

Search

Save

Print

Delete

Undo

Exit

Docket Number

97661.00013

Country

US

Sub Case

Family No: P02807

Client Name

Hayes & Associates

United States of America

Resp. Office

STFD

Display: ☐ Outstanding Actions Only☐ All Actions

Generation Due

Due Date

Due Date

Action Date

Verify OARs

Information Disclosure Stmt

10-Jul-2000

Due Date

10-Jul-2000

10-Oct-2000

10-Oct-2000

Foreign Filing Reminder

10-Oct-2000

Reminder

10-Oct-2000

10-Apr-2001

10-Apr-2001

Foreign Filing Due

10-Apr-2001

Due Date

10-Apr-2001

10-Oct-2001

10-Oct-2001

Application Status Check

10-Oct-2001

Due Date

10-Oct-2001

23-Apr-2003

23-Apr-2003

BROADENED REISSUE DL

24-Apr-2003

Due Date

24-Apr-2003

28-Jul-2004

28-Jul-2004

Reminder 1st MFEF due 1/24

24-Jul-2004

Reminder

28-Jul-2004

28-Jul-2004

28-Jul-2004

1ST MAINT FEE DUE

24-Jan-2005

Due Date

28-Jul-2004

28-Jul-2004

28-Jul-2004

1ST MAINT FEE DUE

24-Jul-2005

Final

28-Jul-2004

28-Jul-2004

28-Jul-2004

Follow up re entry status

04-Aug-2005

Due Date

03-Aug-2005

03-Aug-2005

03-Aug-2005

Revised Declaration Status

11-Dec-2005

Due Date

05-Dec-2005

05-Dec-2005

05-Dec-2005

Reminder 2nd MFEF due 1/24

24-Nov-2008

Reminder

23-Nov-2008

23-Nov-2008

23-Nov-2008

2ND MAINT FEE DUE

24-Jan-2009

Due Date

23-Nov-2008

23-Nov-2008

23-Nov-2008

2ND MAINT FEE DUE

24-Jul-2009

Final

23-Nov-2008

23-Nov-2008

23-Nov-2008

Reminder 3rd MFEF due 1/24

24-Jul-2012

Reminder

23-Nov-2008

23-Nov-2008

23-Nov-2008

3RD MAINT FEE DUE

24-Jan-2013

Due Date

23-Nov-2008

23-Nov-2008

23-Nov-2008

3RD MAINT FEE DUE

24-Jul-2013

Final

23-Nov-2008

23-Nov-2008

23-Nov-2008

Created By: Conversion

User ID: Racek

Data Entered: 06-Nov-2002

Last Update: 17-Jul-2009

SO 700

MICROSOFT

GRAPHICS USER

PRINT LINKS

EXHIBIT B



**United States
Patent and
Trademark Office**

Deposit Account Statement

Requested Statement Month:	November 2008
Deposit Account Number:	503570
Name:	MCCARTER & ENGLISH, LLC (CT)
Attention:	JOAN SIMMONS
Street Address 1:	201 BROAD STREET
Street Address 2:	
City:	STAMFORD
State:	CT
Zip:	06901
Country:	UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
11/03	336	11705275	101904-00014	1806	\$180.00	\$30,345.00
11/03	1103	11705262	101904-00016	1806	\$180.00	\$30,165.00
11/03	1431	11705257	101904-00017	1806	\$180.00	\$29,985.00
11/03	1821	11705227	101904-00019	1806	\$180.00	\$29,805.00
11/03	2118	11705312	101904-00020	1806	\$180.00	\$29,625.00
11/03	2424	11705198	101904-00024	1806	\$180.00	\$29,445.00
11/03	13134	12263637	98121.00165	4011	\$82.00	\$29,363.00
11/03	13137	12263637	98121.00165	2202	\$78.00	\$29,285.00
11/03	13136	12263637	98121.00165	2311	\$110.00	\$29,175.00
11/03	13135	12263637	98121.00165	2111	\$270.00	\$28,905.00
11/03	45	PAYMENT		9203	-\$19,760.00	\$48,665.00
11/06	5165	11353475	97634.00202	1801	\$810.00	\$47,855.00
11/06	6465	5626768	98103.00025	2553	\$2,055.00	\$45,800.00
11/06	13229	61111839	101053-00013A	2005	\$110.00	\$45,690.00
11/07	3424	10047717	97634.00089	1801	\$810.00	\$44,880.00
11/07	4990	12218081	98121.00162	2251	\$65.00	\$44,815.00
11/07	4989	12218081	98121.00162	2051	\$65.00	\$44,750.00
11/10	1879	10894868	97634.00181	1801	\$810.00	\$43,940.00
11/10	10627	11027269	99560.00006	2251	\$65.00	\$43,875.00
11/10	10910	11784085	94350.00037	8021	\$40.00	\$43,835.00
11/12	21716	11581027	97634.00208	1501	\$1,510.00	\$42,325.00
11/12	21718	11581027	97634.00208	1504	\$300.00	\$42,025.00
11/12	25704	11731968	99689-00048	8021	\$40.00	\$41,985.00
11/13	2254	11119952	115190.00154	1501	\$1,510.00	\$40,475.00
11/13	2255	11119952	115190.00154	1504	\$300.00	\$40,175.00
11/13	6670	60755631	101448.00042	8021	\$80.00	\$40,095.00
11/13	6831	60755626	101448.00044	8021	\$80.00	\$40,015.00
11/14	1428	4908154	113664.00026	8021	\$160.00	\$39,855.00
11/14	1795	1368735	113664.00026	8521	\$40.00	\$39,815.00

11/17	10321	60755632	101448.00043	8021	\$80.00	\$39,735.00
11/17	14166	11817556	98015.00002	2617	\$65.00	\$39,670.00
11/17	14167	11817556	98015.00002	1618	\$130.00	\$39,540.00
11/18	1302	11355140	97634.00203	1504	\$300.00	\$39,240.00
11/18	1299	11355140	97634.00203	1501	\$1,510.00	\$37,730.00
11/18	13435	11786084	101142.00007	1806	\$180.00	\$37,550.00
11/19	7852	61115920	99726-00184	2005	\$110.00	\$37,440.00
11/19	10508	PCT/US08/83959	97895.00253	1602	\$1,800.00	\$35,640.00
11/19	10507	PCT/US08/83959	97895.00253	1601	\$300.00	\$35,340.00
11/19	10509	PCT/US08/83959	97895.00253	1702	\$1,338.00	\$34,002.00
11/20	2579	12206386	113952-00002	2051	\$65.00	\$33,937.00
11/21	353	11840024	94350.00044	8021	\$40.00	\$33,897.00
11/21	3238	11705227	101904-00019	1814	\$140.00	\$33,757.00
11/21	4710	6911519	98121.00080	2551	\$490.00	\$33,267.00
11/21	4750	6908900	101448.00019	2551	\$490.00	\$32,777.00
11/21	14736	12206298	97895.00240	1051	\$130.00	\$32,647.00
11/21	14737	12206298	97895.00240	1251	\$130.00	\$32,517.00
11/21	15640	12206318	97895.00256	1051	\$130.00	\$32,387.00
11/21	15641	12206318	97895.00256	1251	\$130.00	\$32,257.00
11/24	1988	12206386	113952-00002	8021	\$40.00	\$32,217.00
11/24	3712	12256084	94350.00064	8021	\$40.00	\$32,177.00
11/24	4766	12142883	94350.00056	8021	\$40.00	\$32,137.00
11/24	5414	12256084	94350.00064	2051	\$65.00	\$32,072.00
11/24	9555	6236136	99184.00007	1552	\$2,480.00	\$29,592.00
11/24	10623	6238591	97661.00013	1552	\$2,480.00	\$27,112.00
11/25	2085	12276806	72535	1311	\$220.00	\$26,892.00
11/25	2084	12276806	72535	1111	\$540.00	\$26,352.00
11/25	2083	12276806	72535	1011	\$330.00	\$26,022.00
11/25	3822	11189213	94350.00022	2801	\$405.00	\$25,617.00
11/25	3821	11189213	94350.00022	2251	\$65.00	\$25,552.00
11/26	2231	11027245	99560.00008	2251	\$65.00	\$25,487.00
11/26	2232	11027245	99560.00008	2801	\$405.00	\$25,082.00

START	SUM OF	SUM OF	END
BALANCE	CHARGES	REPLENISH	BALANCE
\$30,525.00	\$25,203.00	\$19,760.00	\$25,082.00

[Need Help?](#) | [USPTO Home Page](#) | [Finance Online Shopping Page](#) | [Alerts Page](#)

EXHIBIT C

November 24, 2008

VIA REGULAR MAIL

Mr. Claude Q.C. Hayes
Hayes & Associates
3737 3rd Avenue, #308
San Diego, CA 92103

Basam E. Nabulsi
Partner
T. Telephone 203.965.0601
bnabulsi@mccarter.com

Re: Payment of Second Maintenance Fee for:
U.S. Patent No. 6,238,591
Heat Absorbing Temperature Control Devices And Method (Boric Acid)
Our Reference: 97661.00013

Dear Claude:

Pursuant to your instructions, we have paid the second maintenance fee in connection with the above-referenced patent. Enclosed for your records are copies of (i) an online submission of payment of the second maintenance fee as filed with the U.S. Patent Office on November 24, 2008; and (ii) a Maintenance Fee Statement providing the current status of the subject patent.

The third maintenance fee will be due on January 24, 2013. We will send a reminder to you and request instructions for payment in due course.

In the meantime, if you have any questions, please feel free to contact me.

Very truly yours,



Basam E. Nabulsi

BEN/js
Enclosures

BOSTON

HARTFORD

NEW YORK

NEWARK

PHILADELPHIA

STAMFORD

WILMINGTON

EXHIBIT D



United States Patent and Trademark Office



Maintenance Fee Statement

11/24/2008 07:56 AM EST

Patent Number: 6238591

Customer Number: 20845

CUMMINGS & LOCKWOOD
FOUR STAMFORD PLAZA
P O BOX 120
STAMFORD CT 06904-0120

According to the records of the U.S. Patent and Trademark Office (USPTO), the maintenance fee and any necessary surcharge have been timely paid for the patent listed below. The "PYMT DATE" column indicates the payment date (i.e., the date the payment was filed).

The payment shown below is subject to actual collection. If the payment is refused or charged back by a financial institution, the payment will be void and the maintenance fee and any necessary surcharge unpaid.

Direct any questions about this statement to: Mail Stop M Correspondence, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450.

PATENT NUMBER	FEE AMT	SUR- CHARGE	PYMT DATE	U.S. APPLICATION NUMBER	PATENT ISSUE DATE	APPL. FILING DATE	PAYMENT YEAR	SMALL ENTITY?	ATTY DKT NUMBER
6,238,591	\$2,480.00	\$0.00	11/24/08	09/556,948	05/29/01	04/26/00	08	NO	97661.00013

Click here to obtain your Maintenance Fee Statement as a PDF.

Please note that in order to view your Maintenance Fee Statement as a PDF, you must have Adobe's Acrobat Reader installed. If you do not have it, download it for FREE!



[Need Help?](#) | [USPTO Home Page](#) | [Finance Online Shopping Page](#)

EXHIBIT E

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Claude Q.C. Hayes)
Serial No.: 09/546,361) Patent No. 6,264,854
Filed: April 10, 2000) Issue Date: July 24, 2001

For: HEAT ABSORBING TEMPERATURE CONTROL DEVICES AND METHOD

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**POST-ISSUANCE SUBMISSION OF
CORRECTED DECLARATION**

Sir:

Applicant respectfully requests that the enclosed Declaration, Power of Attorney and Petition (the "Declaration") be placed in the file of the above-referenced issued U.S. patent. The enclosed Declaration includes a priority claim pursuant to 35 USC §119(e) that conforms to the priority claim that appears on the face of the issued patent, namely a priority claim to provisional application, Serial No. 60/003,387 (filed September 7, 1995). Applicant submits this Declaration to address an error that appeared in a previously submitted Declaration, Power of Attorney and Petition dated April 7, 2000. **No correction of the issued patent is required because the face of the patent correctly identifies the noted provisional patent application pursuant to 35 USC §119(e).**

Applicant respectfully submits that authority for inclusion of the enclosed Declaration in the issued patent file is provided – by analogy – in 37 CFR 1.97(i).

Applicant submits that no fee is due in connection with this submission. However, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 50-3570. A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.

Respectfully submitted,



Basam E. Nabulsi
Reg. No. 31,645
Attorney for Applicant

Date: 12/5/05

McCARTER & ENGLISH, LLP
Four Stamford Plaza
107 Elm Street
Stamford, CT 06902
(203) 399-5920

CERTIFICATE OF MAILING

I hereby certify that the Post-Issuance Submission of Corrected Declaration is being deposited with the United States Postal Service as first class mail, postage prepaid, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 5, 2005.

Dated: 12/5/05


Joan Simmons

Declaration, Power of Attorney, and Petition

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name,

I believe I am an original joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

HEAT ABSORBING TEMPERATURE CONTROL DEVICES AND METHOD

the specification of which (*check one*)

☐ is attached hereto; or

☒ was filed on April 10, 2000 as Application Serial No. 09/546,361 and issued on July 24, 2001 as U.S. Patent No. 6,264,854; or

PCT FILED APPLICATION ENTERING NATIONAL STAGE

☐ was described and claimed in International Application No. _____ filed on _____ and as amended on _____ (if applicable).

I hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above, and that it contains a full, clear, concise and exact description of the subject matter for which a patent is sought.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

Prior Application(s)

☐ (Check if applicable) I hereby claim foreign priority benefits under Title 35, United States Code § 119, by checking the box(es) below, any foreign application(s) for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)
Priority Claimed?

(Number)	(Country)	Day/month/year filed	<input type="checkbox"/>	<input type="checkbox"/>
			Yes	No
(Number)	(Country)	Day/month/year filed	<input type="checkbox"/>	<input type="checkbox"/>
			Yes	No

☒ I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

Prior Provisional Application(s):

60/003,387

September 7, 1995

(Application Number):

(Filing Date):

(Application Number)

(Filing Date)

(Application Number)

(Filing Date)

(Note: When the nonprovisional application is entitled to an earlier U.S. effective filing date of one or more provisional applications under Title 35, United States Code § 119(e), a statement such as "This application claims the benefit of U.S. Provisional Application No. _____, filed _____, and U.S. Provisional Application No. _____, filed _____," should appear as the first sentence of the description. In view of this requirement, the right to rely on a prior application may be waived or refused by an applicant by refraining from inserting a reference to the prior application in the specification of the later one.)

☒ (Check if applicable) I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I/we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S. Application(s)

08/709,516

September 6, 1996

abandoned

(Application Serial No.)

(Filing Date)

Status (Patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

Status (Patented, pending, abandoned)

☐ (Check if applicable) I hereby authorize the U.S. attorneys or agents named herein to accept and follow instructions from _____ as to any action to be taken in the Patent and Trademark Office regarding this application without direct communication between the U.S. attorneys or agents named herein and ourselves. In the event of a change, we will notify in writing the U.S. attorney or agent named herein.

☐ (Check if applicable) In this continuation-in-part application, insofar as the subject matter of any of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

I hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the attorneys whose names are associated with United States Patent and Trademark Office Customer Number 21832:

Bar Code Above

Joseph Agostino, Reg. No. 51,191
Eric E. Bleich, Reg. No. 47,430
Raymond Cappel, Reg. No. 53,836
Sanjiv M. Chokshi, Reg. No. 44,080
Samuel J. DuBoff, Reg. No. 25, 969
Mark D. Giarratana, Reg. No. 32,615
Eric E. Grondahl, Reg. No. 46,741
John K. Kim, Reg. No. 37,002

Troy J. LaMontagne, Reg. No. 47,239
James J. Merrick, Reg. No. 43,801
Basam E. Nabulsi, Reg. No. 31,645
Ralph W. Selitto, Jr., Reg. No. 26,996
William Smith, Reg. No. 46,459
Paul F. Swift, Reg. No. 34,938
Seth M. Wilson, Reg. No. 45,228
Bryan Zerhusen, Reg. No. 54,566

all of the firm of McCARTER & ENGLISH, LLP, whose address is CityPlace I, 185 Asylum Street, Hartford, CT 06103 and as our attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Please address all written correspondence to the following address:

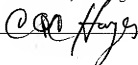
McCARTER & ENGLISH, LLP
Attn.: Angelica Brooks
CityPlace I
185 Asylum Street
Hartford, CT 06103

Telephone Calls should be directed to **Basam E. Nabulsi**, by dialing (203) 965-0601.

Wherefore I pray that Letters Patent be granted to us for the invention or discovery described and claimed in the foregoing specification and claims, and we hereby subscribe our names to the foregoing specification and claims, declaration, power of attorney, and this petition.

Full name of first inventor: Claude Q.C. Hayes
Residence: 3737 Thrid Avenue, San Diego CA 92103
Citizenship: USA
Post Office Address: 3737 Thrid Avenue, San Diego CA 92103

First Inventor's signature



Date



EXHIBIT F

Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

PATENT

Sir: Kindly acknowledge receipt of the following papers by stamping and returning this card.

Serial No: 09/54,361 Filing Date: 4/10/2000 Atty: BEN Client No: 97661.00013

Title: Heat Absorbing Temperature Control Devices and Due Date: _____
Method

- ☐ A patent application including pages of abstract and specifications and claims
- ☐ (Continuation) (Divisional) (CIP) (Provisional) (Utility) (CPA) (Complete) (Design) Application
- ☐ Response to Notice to File Missing Parts
- ☐ Copy of Notice to File Missing Parts
- ☐ _____ sheets of drawings ☐ formal ☐ informal
- ☒ Declaration/POA ☒ executed ☐ unexecuted
- ☐ Assignment
- ☐ Recordation Form Cover Sheet
- ☐ Application Transmittal Letter
- ☐ Preliminary Amendment
- ☐ Amendment
- ☐ Amendment Fee Transmittal Letter
- ☐ Petition and Fee for Extension of Time
- ☐ Information Disclosure Statement
- ☐ PTO Form 1449 and Copies of Cited References (____)
- ☐ Issue Fee Transmittal
- ☐ Submission of Formal Drawings
- ☐ Maintenance Fee

- ☐ Certificate Under 37 CFR § 3.73(b)
- ☐ Revocation And Substitute Power of Attorney
- ☐ Associate Power of Attorney
- ☐ Priority Document
- ☐ PCT Request
- ☐ PCT Demand
- ☐ PCT Power of Attorney
- ☐ PCT Transmittal Letter
- ☐ PCT Fee Calculation Sheet
- ☐ PCT Response to Invitation to Correct Defects
- ☒ Post-Issuance Submission of
- ☒ Corrected Declaration
- ☐ _____
- ☐ _____
- ☐ _____
- ☐ Check in the amount of _____
- ☒ Certificate of Mailing
- ☐ Certificate of Express Mailing
- ☐ No. _____
- ☒ Return postcard
- Date 12/5/05

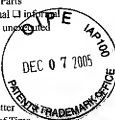


EXHIBIT G



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PAYOR NUMBER
20845

P75M

CUMMINGS & LOCKWOOD
FOUR STAMFORD PLAZA
P O BOX 120
STAMFORD CT 06904-0120

DATE PRINTED

02/02/09

MAINTENANCE FEE REMINDER

According to the records of the U.S. Patent and Trademark Office (USPTO) the maintenance fee for the patent(s) listed below (for which the above address is on record as the fee address under 37 CFR 1.363) has not been paid within the six-month period set forth in 37 CFR 1.362(d). THE MAINTENANCE FEE MAY STILL BE PAID WITH THE APPLICABLE SURCHARGE SET FORTH IN 37 CFR 1.20(h), WITHIN THE SIX-MONTH GRACE PERIOD SET FORTH IN 37 CFR 1.362(e).

Unless payment of the maintenance fee and the applicable surcharge is received in the USPTO within the six-month grace period, THE PATENT WILL EXPIRE AS OF THE END OF THE GRACE PERIOD. 35 U.S.C. 41(b).

The total payment due is the amount required on the date the fee is paid (and not necessarily the amount indicated below). All USPTO fees (including maintenance fees) are subject to change. Customers should refer to the USPTO Web site (www.uspto.gov) or call the Maintenance Fee Branch at 571-272-6500 for the most current fee amounts for the correct entity status before submitting payment. The total payment due indicated below is based on the entity status according to current Office records (shown below).

Timely payment of the total payment due is required in order to avoid expiration of the patent. A maintenance fee payment can be timely made using the certificate of mailing or transmission procedure set forth in 37 CFR 1.8.

PATENT NUMBER	FEE MAINT. AMT	U.S. APPL SURCHG NUMBER	PATENT ISSUE DATE	APPL. FILING DATE	PAY- MENT YEAR	SMALL ENTITY?	TOTAL PYMT DUE	ATTORNEY DOCKET NUMBER
6264854	2480	130	09546361	07/24/01	04/10/00	8	NO	2610 P-5534-18

The maintenance fee and the applicable surcharge can be paid quickly and easily over the Internet at www.uspto.gov by electronic funds transfer (EFT), credit card, or USPTO deposit account payment methods. The mailing address for all maintenance fee payments not electronically submitted over the Internet is: U.S. Patent and Trademark Office, P.O. Box 979070, St. Louis, MO 63197-9000.

Direct any questions about this notice to: Mail Stop M Correspondence, Director of the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

NOTE: This notice was automatically generated based on the amount of time that elapsed since the date a patent was granted. It is possible that the patent term may have ended or been shortened due to a terminal disclaimer that was filed in the application. Also, for any patent that issued from an application filed on or after June 8, 1995 containing a specific reference to an earlier filed application or applications under 35 U.S.C. 120, 121, or 365(c), the patent term ends 20 years from the date on which the earliest such application was filed, unless the term was adjusted or extended under 35 U.S.C. 154 or 156. Patentee should determine the relevant patent term for a patent before paying the maintenance fee.

EXHIBIT H



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PAYOR NUMBER
20845

P75M

CUMMINGS & LOCKWOOD
FOUR STAMFORD PLAZA
P O BOX 120
STAMFORD CT 06904-0120

DATE PRINTED

08/24/09

NOTICE OF PATENT EXPIRATION

According to the records of the U.S. Patent and Trademark Office (USPTO), payment of the maintenance fee for the patent(s) listed below has not been received timely prior to the end of the six-month grace period in accordance with 37 CFR 1.362(e). THE PATENT(S) LISTED BELOW HAS THEREFORE EXPIRED AS OF THE END OF THE GRACE PERIOD. 35 U.S.C. 41(b). Notice of the expiration will be published in the USPTO Official Gazette.

Expired patents may be reinstated in accordance with 37 CFR 1.378 if upon petition, the maintenance fee and the surcharge set forth in 37 CFR 1.204(i) are paid, AND the delay in payment of the maintenance fee is shown to the satisfaction of the Director to have been unavoidable or unintentional. 35 U.S.C. 41(c)(1).

If the Director accepts payment of the maintenance fee and surcharge upon petition under 37 CFR 1.378, the patent shall be considered as not having expired but would be subject to the intervening rights and conditions set forth in 35 U.S.C. 41(c)(2).

For instructions on filing a petition under 37 CFR 1.378 to reinstate an expired patent, customers should call the Office of Petitions Help Desk at 571-272-3282 or refer to the USPTO Web site at www.uspto.gov/web/offices/pac/dapp/petitionspractice.html. The USPTO also permits reinstatement under 37 CFR 1.378(c) by electronic petition (e-petition) using EFS-Web; e-petitions may be automatically granted if all the eligibility requirements are met. For further information on filing an e-petition, please call the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 571-272-4100 or refer to the EBC's e-petition guide at www.uspto.gov/ebc/portal/efs/petition_quickstart.pdf.

U.S.							
PATENT NUMBER	APPLICATION NUMBER	PATENT ISSUE DATE	APPLICATION FILING DATE	EXPIRATION DATE	ATTORNEY DOCKET NUMBER		
6264854	09546361	07/24/01	04/10/00	07/24/09	P-5534-18		

NOTE: This notice was automatically generated based on the amount of time that elapsed since the date a patent was granted. It is possible that the patent term may have ended or been shortened due to a terminal disclaimer that was filed in the application. Also, for any patent that issued from an application filed on or after June 8, 1995 containing a specific reference to an earlier filed application or applications under 35 U.S.C. 120, 121, or 365(c), the patent term ends 20 years from the date on which the earliest such application was filed, unless the term was adjusted or extended under 35 U.S.C. 154 or 156.